

REMARKS/ARGUMENTS

Claims 15-41 are pending in the application. Claims 22, 23, 25, 32, 33 and 40 were withdrawn. Claims 15-21, 24, 26-31, 34-39 and 41 were rejected and claims 18-20, 31, 35 and 36 were objected to. Claims 19, 21, 24, 27, 35, 36, 38, 39 and 41 have been canceled and claims 15-18, 20, 26, 28-31 and 34 have been amended.

The following remarks are believed to be fully responsive to the Office Action, and to render all the claims at issue patentably distinguishable over the cited reference. Reconsideration of this application is respectfully requested.

DRAWING OBJECTIONS

The drawings were objected to for the reasons set forth on page 2 of the Office Action. In response, Applicants have amended Figures 10g and 10h to match structures '111' and '111a' in Figures 10g and 10h with those in Figures 11g and 11h, as pointed out by the Examiner. Amended Figures 10g and 10h is annexed hereto, wherein the changes are shown in red ink. Applicants respectfully request that the amendment be treated as a formal Request for Approval of Drawing Changes.

Accordingly, the withdrawal of the drawing objections is respectfully requested.

CLAIM OBJECTIONS

In the Office Action, claims 18-20, 31, 35 and 36 were objected to for the reasons set forth on page 2 of the Office Action.

Claims 18-20 were objected to as being dependent upon a rejected base claim, i.e., the independent claim 15. First, Applicants have cancelled claim 19 without prejudice. The Applicants have amended claim 15 in order to overcome the rejections under 35 U.S.C. §112, first and second paragraph. Thus, the Applicants first respectfully request reconsideration and withdrawal of the claim rejections with respect to claim 15, and respectfully request the withdrawal of the claim objections with respect to claims 18 and 20 depending on claim 15.

Claims 31, 35 and 36 were objected to as being dependent upon a rejected base claims, i.e., claims 30, 34 and 36. First, Applicants have cancelled claim 36 without prejudice. With respect to claims 30 and 34, the Applicants respectfully request reconsideration of the claims in view of the comments below.

Accordingly, the withdrawal of all claim objections is respectfully requested.

CLAIM REJECTIONS – 35 U.S.C. §112

Claims 15-18, 20 and 26 stands rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention, for the reasons set forth on page 3 of the Office Action. Applicants

have amended claim 15 to clearly instruct that the '111' structure, i.e., the conductive layer 111 is formed selectively removing a conductive layer. And also, claims 16-18 and 20 have been amended to overcome the rejections.

Claims 15, 16, 26, 31 and 34 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention, for the reasons set forth on pages 4-5 of the Office Action. Claims 15, 16, 26, 31 and 34 have been amended to make more clear the terms of the invention.

Accordingly, in view of the amendments above, it is respectfully requested that the rejections under § 112 first and second paragraphs be withdrawn.

CLAIM REJECTIONS – 35 U.S.C. §102

Claims 28, 29, 30 and 37 stand rejected under 35 U.S.C. §102(e) as being anticipated by White, Jr. et al. (U.S. Patent No. 6,130,102). Applicants assert that White does not anticipate the present invention because it does not teach every feature or element of the claims.

With respect to claim 28, the Examiner states that White teaches first and second conductive layers, as 36a and 36b in Fig. 6 and Col. 5, lines 9-12. The structure '36a' is a metallic plug which functions as a contact portion as DRAM storage node portion, and the structure '36b' forms a bit line connection to source/drain. In other words, the plug '36a' contacts to both a lower capacitor electrode 36c and source/drain 26(see col. 5, lines 7-13 and Fig. 6). However, the conductive layers of embodiments of the present invention contact to neither impurity regions nor

lower electrodes(first electrodes). The conductive layers of the present invention couple impurity regions to upper electrodes(second electrodes) of capacitors through plugs, that is, the conductive layers are not plugs. In addition, there is no suggestion in White of forming the capacitors over the wordlines, as claimed in claim 28.

Accordingly, claim 28 is patentably distinct from White. Examiner's reconsideration of the rejection is respectfully requested.

At least for the reasons that the independent claim 28 is allowable, the dependant claims 29, 30 and 37 depending thereupon include the patentable features of claim 28.

WITHDRAWN CLAIMS

Claims 22-23, 25, 32-33 and 40 have been withdrawn relative to the April 18, 2003 Election of Species Requirement. Applicants respectfully submit that claim 15 is generic to claims 22-23 and claim 28 is generic to claim 32-33. Therefore, since generic claims are allowable, Applicants request that the additional species that are written in dependent form or otherwise include all limitations of allowed claims be considered.

Consideration and allowance of claims 22-23, 25 and 32-33 are respectfully requested.

INFORMATION DISCLOSURE STATEMENT

Applicants respectfully request consideration of the Information Disclosure Statement filed October 30, 2003. A copy of the PTO-1449 is enclosed for the Examiner's convenience.

CONCLUSION

In light of the above amendments and remarks, Applicants submit that claims 15-18, 20, 22-23, 25-26, 28-33, 34, 35 and 37 are in condition for allowance. Accordingly, Applicants respectfully request that Examiner pass this case to issue. If Examiner believes that personal contact with Applicants' representative would expedite prosecution of the application, he is invited to call the undersigned at his convenience.

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **Carl R. Wesolowski**, at the telephone number listed below.

Serial No. 09/739,753
Reply to Office Action of September 11, 2003

Docket No. HME/K-10Q

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



Carl R. Wesolowski
Registration No. 40,372

P.O. Box 221200
Chantilly, Virginia 20153-1200
703 766-3701 DYK/CRW:ld

Date: January 12, 2004

Please direct all correspondence to Customer Number 34610